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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,465	09/16/2003	Shiquan Wu	71493-1202 <i>lpw</i>	9622
7590 SMART & BIGGAR P.O. Box 2999, Station D 900-55 Metcalfe Street Ottawa, ON K1P 5Y6 CANADA				
03/25/2009				
EXAMINER				
ADHAM MOHAMMAD SAJD				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/662,465

Applicant(s)

WU ET AL.

Examiner

MOHAMMAD S. ADHAMI

Art Unit

2416

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 15, 19-23, 30, 54-60, 62, 64, 71 and 79-87 is/are pending in the application.
- 4a) Of the above claim(s) See Continuation Sheet is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 15, 19-23, 30, 54-60, 62, 64, 71 and 79-87 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continuation of Disposition of Claims: Claims **withdrawn** from consideration are 10-14,16-18,24-29,31-53,61,63,65-70,72-78 and 88-92.

DETAILED ACTION

Election/Restrictions

1. Applicant's election of claims 1-9,15,19-23,30,54-60,62,64,71, and 79-87 in the reply filed on 12/23/2008 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 9 and 85 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 9, it is unclear what prefix is being referred to in the limitation *on either side of each prefix*.

Claim 85 recites the limitation "the fourth data segment" in lines 1 and 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1,2,9,15,54,55,71,79, and 80 (as best understood) are rejected under 35 U.S.C. 102(a) as being anticipated by Witschnig ("A Different Look on Cyclic Prefix for SC/FDE" Personal, Indoor and Mobile Radio Communications, 20002. The 13th IEEE International Symposium ON, col.2 15-18 Spet.2002, pages 824-828 referred to as Witschnig).

Re claims 1,15,54,71,79 and 80:

Witschnig discloses *transmitting a signal comprising OFDM units* (Fig.1 ref. Transmitter and Fig.2 and Fig.3 is an OFDM unit and Section IIIB the structure of a transmitted block, which consists of the original data sequence of N symbols and the sequence of the UW with N symbols).

Witschnig further discloses *each OFDM transmission comprising an OFDM symbol and before/and/or/after the OFDM symbol a respective non-OFDM segment* (Fig.2 and Fig.3 is an OFDM unit and Section IIIB the structure of a transmitted block, which consists of the original data sequence of N symbols and the sequence of the UW with N symbols – where the N symbols are OFDM symbols and the UW is a non-OFDM segment).

Witschnig further discloses *the non-OFDM segment containing known data and/or unknown highly reliable data* (Section IIIA if its content would be known before and could be chosen in a proper way and Section IIIB Unique word. Instead of the cyclic prefix, a known sequence is part of every processed block).

Witschnig further discloses *the non-OFDM segment allowing a conversion at a receiver between a linear convolution and a cyclic convolution for the OFDM symbol* (Section IIIB With this extended block the linear convolution of the i-th block with the channel impulse response becomes a circular convolution).

Re claims 2 and 55:

Witschnig discloses *the non-OFDM segment being at least long enough to cover any significant ISI introduced by a previous OFDM symbol* (Section II If the guard interval is longer than the duration of the channel impulse response, there is no interference between the information symbols of successive blocks).

Re claim 9:

Witschnig discloses *a guard time on either side of each prefix* (Fig.3 and Fig.2).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-6 and 56-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Witschnig in view of Krishnan (US 6,928,062).

Re claims 3-6 and 56-60:

As discussed above, Witschnig meets all the limitations of the parent claim.

Witschnig does not explicitly disclose *a code separated pilot channel, signaling channel, and traffic channel, multiple channels that are time division multiplexed, and IFFT.*

Krishnan discloses *a code separated pilot channel, signaling channel, and traffic channel, multiple channels that are time division multiplexed, and IFFT* (Fig.6 ref. 622 is a pilot channel ref.624 is a signaling channel and ref.630 is a traffic channel and Col.3 lines 59-65 These techniques may also be used for hybrid systems such as an OFDM TDM system that transmit pilot/signaling and traffic data using time division multiplexing, whereby OFDM is used for pilot/signaling and another transmission scheme is used for traffic data and Col.5 lines 10-11 an inverse fast Fourier transform (IFFT) to obtain a transformed symbol).

Witschnig and Krishnan are analogous because they both pertain to data communication.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Witschnig to include a signaling, traffic, and pilot channel as taught by Krishnan in order to use a well-know transmission scheme.

5. Claims 7,8, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Witschnig in view of Walton (US App. 2004/0081131).

Re claims 7 and 8:

As discussed above Witschnig meets all the limitation of the parent claim.

Witschnig does not explicitly disclose *generating OFDM symbols using fixed duration with varying IFFT size and generating the non-OFDM segments to have fixed duration with varying numbers of sample.*

Walton discloses *generating OFDM symbols using fixed duration with varying IFFT size and generating the non-OFDM segments to have fixed duration with varying numbers of sample* (Para.[0040] the OFDM symbol size for some time segments may be fixed for other time segments may be configurable and Para.[0101] variable-size IFFT).

Witschnig and Walton are analogous because they both pertain to data communication.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Witschnig to include OFDM symbols using fixed duration and varying IFFT size as taught by Walton in order to allow the transmitter and receiver to be correlated and to adapt the data transmission to increase efficiency.

Re claim 23:

As discussed above Witschnig meets all the limitation of the parent claim.

Witschnig does not explicitly disclose *transmitting data content of multiple users on the OFDM symbol.*

Walton discloses *transmitting data content of multiple users on the OFDM symbol* (Para.[0010] For OFDMA, multiple users share the large OFDM symbol).

Witschnig and Walton are analogous because they both pertain to data communication.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Witschnig to include transmitting data content of multiple users on OFDM symbols as taught by Walton in order to use a well-known transmission scheme.

6. Claims 19,64,80,81, and 85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Witschnig in view of Hiramatsu (US 7,298,692).

Re claims 19,64,80,81, and 85:

As discussed above, Witschnig meets all the limitations of the parent claim.

Witschnig does not explicitly disclose *transmitting a first, second, and third segment and a first and second non-OFDM segment where at least one of the data segments is OFDM and CDMA*.

Hiramatsu discloses *transmitting a first, second, and third segment and a first and second non-OFDM segment where at least one of the data segments is OFDM and CDMA* (Col.5 lines 16-19 a preamble portion is a CDMA signal, a data portion is an OFDM signal, and both signals are multiplexed to be transmitted and Fig.1 and Col.2 lines 44-51 using OFDM signals or OFDM/CDMA signals over the downlink and CDMA signals over the uplink).

Witschnig and Hiramatsu are analogous because they both pertain to data communication.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Witschnig to include transmitting a first, second, and third segment and a first and second non-OFDM segment where at least one of the data segments is OFDM and CDMA as taught by Hiramatsu in order to ensure transmission quality while improving spectral efficiency.

7. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Witschnig in view of Hiramatsu as applied to claim 19 above, and further in view of Walton (US App. 2004/0085892 referred to as Walton2 below).

Re claim 20:

As discussed above, Witschnig meets all the limitations of the parent claims.

Witschnig does not explicitly disclose *being compatible with IS-856*.

Walton2 discloses *being compatible with IS-856* (Para.[0005] the system may also be designed to implement IS-856).

Witschnig and Walton2 are analogous because they both pertain to data communication.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Witschnig to include being compatible with IS-856 as taught by Walton2 in order to make a more robust system.

8. Claims 21,22,82-84,86, and 87 (as best understood) are rejected under 35 U.S.C. 103(a) as being unpatentable over Witschnig in view of Hiramatsu as applied to claims 19,81, and 85 above, and further in view of Montojo (US 6,693,920).

Re claims 21,22,82-84,86, and 87:

As discussed above, Witschnig meets all the limitations of the parent claims.

Witschnig does not explicitly disclose *segments of 224,400, and 2048 chips, 64 MAC segment and a 96 chip pilot segment.*

Montojo discloses *segments of 224,400, and 2048 chips, 64 MAC segment and a 96 chip pilot segment (Fig. 2 – where the 2 MAC chips and pilot chip make up a 224 chip segment).*

Witschnig and Montojo are analogous because they both pertain to data communication.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Witschnig to include segments of 224,400, and 2048 chips, and 64 MAC segment and a 96 chip segment as taught by Montojo in order to use a well-known transmission format.

9. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Witschnig in view of Yakhnich (US 6,907,092).

Re claim 30:

As discussed above, Witschnig meets all the limitations of the parent claim.

Witschnig does not explicitly disclose *3 tail bits, a 58 point idft, a 26 bit training sequence, a second 58 point symbol, 3 tail bits, a 8.25 bit duration guard period.*

Yakhnich discloses *3 tail bits, a 58 point symbol, a 26 bit training sequence, a second 58 point symbol, 3 tail bits, a 8.25 bit duration guard period (Fig.2).*

Witschnig and Yakhnich are analogous because they both pertain to network communications.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Witschnig to include 3 tail bits, 58 points symbols and a 8.25 guard period as taught by Yakhnich in order to minimize the time varying effects (Yakhnich Col.2 lines 52-54).

10. Claim 62 is rejected under 35 U.S.C. 103(a) as being unpatentable over Witschnig in view of Montojo.

Re claim 62:

As discussed above Witschnig meets all the limitations of the parent claim.

Witschnig does not explicitly disclose *a 64 chip MAC segment, a 96 chip pilot segment, and a 64 chip MAC segment.*

Montojo discloses *a 64 chip MAC segment, a 96 chip pilot segment, and a 64 chip MAC segment (Fig. 2 ref.208A, 206A, and 208A).*

Witschnig and Montojo are analogous because they both pertain to data communications.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Witschnig to include a 64 bit MAC segment and a 96 bit pilot segment as taught by Montojo in order to use a well-known transmission format.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sudo (US 7,298,722) shows a OFDM-CDMA hybrid system. Pinola (US 6,799,023) shows 3 tail bits, 58 data bit, and a 8.25 guard duration.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MOHAMMAD S. ADHAMI whose telephone number is (571)272-8615. The examiner can normally be reached on Monday-Friday 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (571)272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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3/23/09